

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AUDRY HILDA TINEO GOMEZ,

Plaintiff,

- against -

LA MORENA RESTAURANT CORP., ET AL.,

Defendants.

24-cv-6190 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

In this case, the parties reached an agreement (the "Agreement") settling the plaintiff's claims, which was approved by the Court on February 13, 2025. ECF No. 24. In connection with the Agreement, defendant Ronald Rodriguez Perez executed an Affidavit for Judgment by Confession on behalf of himself and defendant La Morena Restaurant Corp. (the "corporation"). ECF No. 26-2. Pursuant to the Agreement, the defendants agreed to pay the plaintiff \$152,500 in exchange for a limited release of the plaintiff's wage-and-hour claims. See ECF No. 26-1. In the event of the defendants' default in payment and failure to cure the default, defendant Ronald Rodriguez Perez agreed that the plaintiff could enter judgment against him and the corporation, jointly and severally, in the amount of \$228,750, less any payments already made. See id. ¶ 5(c); ECF No. 26-2.

The declaration of the plaintiff's counsel indicates that no payment of the settlement amount has been made, the

defendants are in default, and the defendants have failed to cure their default within the cure period set forth in the Agreement. See Decl. of Victoria Spagnolo ¶¶ 11-15, ECF No. 26.


By Order dated April 29, 2025, prior counsel for the defendants was relieved. See ECF No. 32. The Court directed the corporation to appear by new counsel and the individual defendants could appear pro se by May 28, 2025. Id. The Court stated that, if the defendants failed to appear as directed by that date, the Judgment by Confession would be entered. Id.

No new counsel has appeared for the corporation, nor did the individual defendants appear pro se. Therefore, it is appropriate to enter the Judgment by Confession as consented to.

The Clerk is directed to close ECF No. 25.

SO ORDERED.

**Dated: New York, New York
May 30, 2025**



John G. Koeltl
United States District Judge